

Exhibit 1 "A"

First Request 7 pages

1 of 7

Office of General Counsel
320 First St. NW
Washington, D.C. 20534

Received

OCT 15 2018

FOIA/PA Section
Federal Bureau of Prisons

October 2, 2018

Re: Freedom of Information Request Act 1974

Pursuant to U.S.C. Title 5 § 552 and all other relevant provisions, I, Prisoner Sabir Shabazz, REG # 41119 086, request the following information, all of which the Bureau of Prisons (BOP) PROGRAM Statement 4760.06 "Food Service Manual" indicates are available on the Food Service Branch Sallyport Site:

1. The approved menu recipes and product specifications for the Federal Bureau of Prisons (FBOP) 2019 Certified Religious Diet Menu;
2. The Nutritional Analysis of the FBOP 2019 Certified Religious Diet Menu, certified in writing and conducted by a Registered dietitian.
3. The available Religious Certification Material with regard to Certified Food Procedures.

I would also like to have a copy of the applicable rules and regulations for your agency as provided by the Freedom of Information Act, of 1974.

If for any reasons the documents are deemed un releasable please specify the statutory reasons and the name and title of the person(s) making such decisions.



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U.S. Department of Justice
Federal Bureau of Prisons

Central Office
320 First St., NW
Washington, DC 20534

October 16, 2018

Sabir Shabazz
Register Number: 41119-086
USP Florence - ADMAX
PO Box 8500
Florence, CO 81226-8500

Dear Sabir Shabazz:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2019-00256
Processing Office: CO

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the simple track and placed in chronological order based on the date of receipt. Processing simple requests may take up to sixty days. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have questions regarding the status of your request or anything discussed in this letter, you may contact the CO at 202 514-6655 or the BOP FOIA Public Liaison, Mr. C. Darnell Stroble at (202) 616-7750 or 320 First Street NW, Room 936, Washington, D.C. 20534.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Blow", is located below the "Sincerely," text.

K. Blow, GIS, for
Ronald Rodgers, Senior Counsel



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**U.S. Department of Justice
Federal Bureau of Prisons**

*Central Office
320 First St., NW
Washington, DC 20534*

October 18, 2018

Sabir Shabazz
Register Number 41119-086
ADX Florence
PO Box 8500
Florence, CO 81226-8500

Request Number: 2019-00256

Dear Mr. Shabazz:

This is in response to the above referenced Freedom of Information Act (FOIA) request. Specifically, you requested information regarding the 2019 National Menu.

In response to your request, staff located 216 pages of responsive records, which were forwarded to this office for a release determination. After careful review, we determined all pages are appropriate for release in full.

In regard to your request for the applicable rules and regulations for the Bureau of Prisons (BOP), the Freedom of Information Act allows you to request any records not already required to be made available pursuant to 5 U.S.C. § 552(a)(1) or (a)(2). The records you request are already available to the public pursuant to the statute. The BOP is not required to release the type of record you seek. See 5 U.S.C. § 552(a)(3). You may access the Program Statements in the inmate law library.

If you have questions about this response please feel free to contact the undersigned, this office, or the Federal Bureau of Prisons' FOIA Public Liaison, Mr. C. Darnell Stroble at 320 First Street NW, Suite 936, Washington DC 20534.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information, Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001. Your appeal must be postmarked within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A. Cromer

for Ronald Rodgers, Senior Counsel

"Freedom of Information Act Appeal"

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Director

Office of Information Policy

U.S. DOJ

Suite 11050, 1425 West State Ave.

Mail, Washington, DC 20530-0001

November 8, 2018

Request Number: 2014-00256

SIR OR MAJIN,

In regard to this request, I am appealing the response. Not one of the documents I requested were provided. All of the documents I requested relate specifically to the FBOP FY Certified Religious Diet.

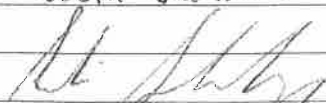
I received the BOP National Daily Offspring Averages for every diet except the Certified Religious Diet. I received the BOP FY 2019 National Menu Nutritional Facts; the National Menu Specifications (Quote Sheet); and the FBOP Signed Recipes for all diets except the Certified Religious Diet.

According to the BOP PS 4700 06 "Food Service Manual," all the documents and info I requested are readily on the Food Service Branch SharePoint Site. So again, pursuant to U.S.C. Title 5 § 552 and all other relevant provisions I, prisoner Sabir Shabazz, Ref # 41119086 request the following information:

1. The approved menu recipes and product specifications for the FBOP FY 2019 Certified Religious Diet Menu
2. The nutritional analysis of the FBOP FY 2019 Certified Religious Diet conducted by a registered dietitian.
3. The available Religious Certification Material with regard to Certified Food Procedures.

Thank You,

Sabir Shabazz


Ref # 41119086

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12/06/2018

Mr. Sabir Shabazz
Register No. 41119-086
USP Florence
P.O. Box 8500
Florence, CO 81226

Dear Mr. Shabazz,

This is to advise you that your administrative appeal from the action of the Federal Bureau of Prisons regarding Request No. 2019-00256 was received by the Office of Information Policy (OIP) of the U.S. Department of Justice on 11/23/2018.

OIP has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number DOJ-AP-2019-001297. Please mention this number in any future correspondence to this Office regarding this matter. Please note that if you provide an e-mail address or another electronic means of communication with your request or appeal, this Office may respond to your appeal electronically even if you submitted your appeal to this Office via regular U.S. Mail.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal, you may contact me at (202) 514-3642. If you have submitted your appeal through FOIAonline, you may also obtain an update on the status of your appeal by logging into your account.

Sincerely,

**PRISCILLA
JONES**

Priscilla Jones

Supervisory Administrative Specialist

Digitally signed by PRISCILLA
JONES
Date: 2018.12.06 16:52:34
-05'00'



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U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

Sabir Shabazz
Register No. 41119-086
United States Penitentiary
Post Office Box 8500
Florence, CO 81226

Re: Appeal No. DOJ-AP-2019-001297
Request No. 2019-00256
JNW:CCG

VIA: U.S. Mail

Dear Mr. Shabazz:

You appealed from the action of the Federal Bureau of Prisons (BOP) on your Freedom of Information Act request for access to certain records concerning certified religious diet menus. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

As a result of discussions between BOP personnel and this Office, BOP conducted a further search and located additional records responsive to your request. Accordingly, I am releasing nineteen additional pages in full to you, copies of which I have enclosed. I am otherwise affirming BOP's action on your request. I have determined that BOP has now conducted an adequate, reasonable search for such records.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of BOP in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison

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for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

4/1/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL

Enclosures

Exhibit 1 "B"

Second - Fourth

Request 8 pages

1 of 8

Director
U.S. Department of Justice
Federal Bureau of Prisons
Central Office
320 First St., NW
Washington, DC 20534

November 13, 2018

Sir or Madam,

Pursuant to U.S.C. Title 5 § 552 and all other relevant provisions, I, prisoner Sabir Shabazz, REG # 41119 086 request the following information:

1. A photo copy or scanned printout of the nutritional labels and brand names of the whole wheat bread and Kosher whole wheat bread being served to prisoners here at Florence (ADX) on the FADP National Menu FY 2019 and Certified Religious Diets Menu FY 2019 respectfully. This is readily available as we are served bread from Food Service practically daily.
2. A copy of the Religious Diet Specifications Quote sheet and the National Menu specifications Quote sheet the FSA here at the USP Florence compound submitted the Fiscal Year of 2019 for the present Quarter. As this is an essential document by which the Food Service procures all its food, it must be readily available in the Food Service Department's records.

Your assistance in this matter is greatly valued.

Sincerely,

Sabir Shabazz



REG # 41119 086



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U.S. Department of Justice
Federal Bureau of Prisons

North Central Regional Office

Office of the Regional Counsel

400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101

November 30, 2018

Sabir Shabazz
Reg. No.: 41119-086
USP Florence - ADMAX
PO Box 8500
Florence, CO 81226-8500

Dear Requester:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you more easily keep track of your request.

FOIA/PA Request Number: 2019-01103
Processing Office: NCR

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first-in, first-out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review, and/or your request requires consultation with at least one other agency with a substantial interest in your request. Because of these unusual circumstances, we are extending the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. Pursuant to 28 C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

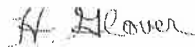
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Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will make a decision whether to grant your request after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please feel free to contact the NCR at the above address or the Federal Bureau of Prisons' (BOP) FOIA Public Liaison, Mr. C. Darnell Stroble at 202-616-7750 or 320 First Street NW, Suite 936, Washington DC 20534.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information, Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



for
Richard M. Winter
Regional Counsel

March 27, 2019

BOP FOIA Public Liaison, Mr. C. Donell Stroble
320 First Street NW, Suite 936
Washington, DC 20534

FOIA/PA Request # 2019-01103

Sir,

Per 28 C.F.R. § 16.5(b) and (c) I am narrowing this request.

I submitted the original request November 13, 2018 so that's almost 4 months. The Religious Diet and National menu specification Quote Sheets are readily available documents. The BOP sent me the blank National Menu Specifications Quote sheet in October of 2018, and prior to that, an attorney sent me a blank copy of The Religious Diet specifications quote sheet. Both are available on the BOP website. However, I don't see the blank Quote Sheets.

The narrowed request: specifically to the Religious Diet and National Menu Specifications Quote Sheets the USP Florence Food Service Administrator submitted the Fiscal Year of 2019 for the present Quarter. These documents are vital to Food Service programs ability to operate because the FSA submits them to receive the funding by which he procures all the food for the entire USP Florence population. These documents are readily available in the Food Service Department's records.

Thank You,

Sabir Shahbaz 41119 086



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U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

March 20, 2019

Sabir Shabazz
Reg. No. 41119-086
USP Florence ADMAX
P.O. Box 8500
Florence, CO 81226

Re: Information Request No. 2019-01103

Dear Requester:

This is in response to your information request. Specifically, you request a copy of the nutrition label of the whole wheat bread and a copy of the religious diet and national menu specification quote sheets.

The records have been retrieved and reviewed in this office for a release determination. It is our conclusion the requested information may be disclosed to you. The releasable records (58 pages) are enclosed.

If you have any questions or concerns, please contact E. Fenstermaker, FOIA/Privacy Act Specialist, at North Central Regional Office, 400 State Avenue, Tower II, Suite 800, Kansas City, KS 66101. I trust this is responsive to your request.

Sincerely,

E. Fenstermaker
for

Richard M. Winter
Regional Counsel

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Office of General Counsel
320 First St NW
Washington, DC 20534

April 1, 2019

RE: Freedom of Information Act request 1974

Pursuant to U.S.C. Title 5 § 552 and all other relevant provisions, I, prisoner Sabir Shabazz, Reg # 41119 086, request the following information:

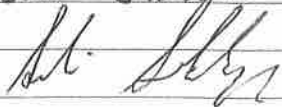
1. The name and contact information for the company USP Florence's Food Service Department contracts with to procure the food for its Food Service operation.
2. The name and contact information for the company USP Florence's Trust Fund Department contracts with to procure the Halal food and non-food items for its Commissary Program.

This is readily accessible information essential to USP Florence's Food Service and Trust Fund Department's week to week operations.

If for any reasons the documents are deemed unreasonable please specify the statutory reasons.

Sincerely,

Sabir Shabazz Reg # 41119 086



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U.S. Department of Justice
Federal Bureau of Prisons
Central Office
320 First St., NW
Washington, DC 20534

May 13, 2019

Greetings,

Pursuant to U.S.C. Title 5 § 552 and all other relevant provisions, I, Sabir Shabazz, Reg # 41119 086 request the following records:

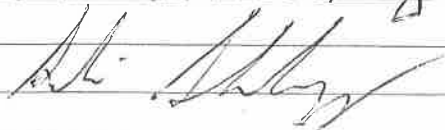
1. The total price for the Vitamin D (Cholecalciferol) 1000 Unit Tab prescription given to me by Oba, D. MD May 7, 2019.

The provisions of FOIA require your agency to provide me a receipt of this request and assign the request a request number within a specific time frame.

If for any reasons the record is deemed unreleasable please specify the statutory reasons and the name and title of the person(s) making such decisions.

I declare under the penalty of perjury in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.

Sabir Shabazz, Reg # 41119 086



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BOP FOIA Public Liaison
Mr. C. Darnell Stroble
320 First St. NW
Washington, DC 20534

May 13, 2019

Sir,

I submitted a FOIA request April 2, 2019 and have never received a notice of receipt or an assigned request number. The request was with regard to USIP Florence's Food Service program and Trust Food Department and info about the companies they contract with to procure food and commissary items.

Why hasn't this request been assigned a Request Number?

Your assistance in this matter is greatly appreciated.

I declare under the penalty of perjury in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.

Sahir Shahazz, Reg # 41119086

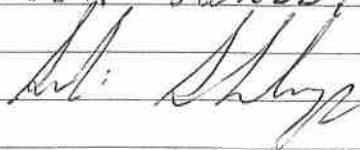


Exhibit 2

Chief Dietician Holliday's
Declaration

and

Page 4 of 12 From former

NFSA Stilltner's Declaration

7 pages

IN THE UNITED STATES DISTRICT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN CARR et al.,

Plaintiffs,

No. 2:14-cv-00001-WTL-MJD

v.

CHARLES E. SAMUELS, JR., DIRECTOR,
FEDERAL BUREAU OF PRISONS;

Defendant.

DECLARATION OF MITCHEL HOLLIDAY

I, Mitchel Holliday, hereby declare and state as follows:

1. I am employed by the Federal Bureau of Prisons ("BOP"). I am the Chief Dietician for the Food Service Department, Central Office, BOP. I am also currently sharing responsibilities as Acting National Food Service Administrator for the BOP. I have worked for the BOP in positions of increasing responsibility since April 2009. I hold a Master of Science Degree in Food and Nutritional Science and a Master of Science Degree in Education. I am a Registered Dietitian Nutritionist, a Certified Diabetes Educator, and a Fellow of the Academy of Nutrition and Dietetics. I am a Commander in the U.S. Public Health Service. As a Registered Dietitian Nutritionist, I am required to maintain continuing education credits.

2. As the Chief Dietician for the BOP, I oversee the nutritional management of all the meals offered in the national menus to more than 153,000 inmates. I am involved in the comprehensive planning, administration and direct nutritional oversight and analysis of the BOP's National Menu for all Bureau inmates and food service management in all BOP

institutions. My many other duties as Chief Dietician include, but are not limited to, providing training and guidance on nutrition-related medical issues and the development of nutrition-related training for BOP staff at the National, Regional, and institutional levels. My opinions as set forth in the Declaration are based on my expertise, training and experience in health and nutrition.

3. I am an employee of the BOP, and am providing my opinions in my official capacity as the BOP's Chief Dietician and Acting National Food Service Administrator, which are salaried positions. Accordingly, I am not receiving any additional compensation for my time in drafting this declaration or providing my opinions. I have not testified as an expert witness at trial during the previous four years. In April 2016, I gave deposition testimony in a lawsuit in the Central District of California, Cause No. EDCV-12-00794-AG (DTB), *Lee v. Pfister*. I gave this testimony in my official capacity as a BOP employee in response to a deposition noticed under Fed. Rule Civ. P. 30(b)(6).

4. I have reviewed the Plaintiffs' Complaint in this case, as well as the Reports of Nathanael Hartland and Hamzah Maqbul. I have also reviewed the Certified Food Specifications for the BOP and my May 23, 2017, memorandum, and other documents referenced herein. The Plaintiffs, Mr. Hartland, and Mr. Maqbul suggest that the BOP can begin providing meals to the Plaintiffs certified by Halal Advocates of America ("HA") or the Halal Food Standards Alliance of America ("HFSAA"), organizations for which Mr. Maqbul is the Vice-President and co-founder. Mr. Maqbul states that potential food suppliers are CI Industries, SOPAKCO, Inc., and Taaza Fresh. These opinions do not appear to rely on or be supported by the standards set forth by the American Correctional Association ("ACA") nor BOP's food services requirements and policies. This suggestion therefore does not consider issues related to the health of inmates and

the policy of the BOP to provide nutritionally-sound meals to its inmates. This assertion also fails to take into account the BOP's efforts to obtain information from SOPAKCO, Inc., and Taaza Fresh Global Foods in light of the absence of mechanism to force these vendors to respond to its inquiries; and the BOP's failed attempt at preparing a Halal menu with CI Industries meals purchased through NFG. Moreover, some of the statements made in the declaration of Mr. Maqbul are not factually accurate.

5. The BOP Food Service operations fall under the umbrella of the Health Services Division because of the strong correlation between food consumption and health. The food service mission is to provide healthy, nutritionally-sound, and appetizing meals that meet the needs of the general population and those at nutritional risk. The Bureau's Food Service Program provides inmates with nutritionally adequate meals, prepared and served in a manner that meets established Government health and safety codes. ACA Standard 4-4321; PS4700, at

6. Before approving a menu of meals or foods to be provided to inmates, in accordance with these Government health and safety codes, I must personally review, evaluate and nutritionally analyze each individual meal for nutritional content and sufficiency. As a result, I am required to have accurate, and as detailed information as possible, about the contents of each meal by amount, ingredients, proteins, carbohydrates, sugars, etc. With this information, I then conduct a nutritional analysis of the meals to be provided. In so doing, I must review the average daily nutrient intake levels estimated to meet the requirements of healthy individuals, as mandated by the ACA standards. See ACA 4-4316 Comment ("Dietary Allowances, as adjusted for age, sex, and activity, should meet or exceed the recommended allowances published by the National Academy of Sciences"). See also Dietary Reference Intakes (DRIs): Estimated Average Requirements, Food and Nutrition Board, Institute of Medicine, National Academies

See BOP 11210-11217. For instance, when presented with the Halal menus offered to the Plaintiffs in this case, as required by Bureau's policy, I used the Nutrition Data System for Research – Nutritional Analysis Software - to conduct the dietary analysis of the Plaintiff's proposed menu, taking into consideration the applicable DRIs. I was able to do the analyses of these two proposed Halal menus because the vendors had provided the BOP with very detailed information about their meal offerings and the cost of their meals offerings.

7. Mr. Magbul incorrectly asserts the BOP does not appear to take seriously the Kosher Specification Sheet as the solution for the Halal certification. Ms. Karen Stiltner, former National Food Service Administrator, now retired, is not a registered dietitian, and as a result, was not involved in the dissecting and analysis of the ingredients of the certified meals the BOP provides the inmate population. Her function as National Food Service Administrator was to have oversight of the BOP Food Services Programs and, through staff trained in nutrition and Chaplaincy Services, ensure that inmates are provided with meals that are nutritionally adequate, properly prepared and that meet the BOP specifications, including religious certification requirements.

8. Mr. Hartland and Mr. Maqbul suggest that the BOP could simply begin purchasing meals solely for the four Plaintiffs in this case from companies that the Plaintiffs deem acceptable. Mr. Hartland and Mr. Maqbul also suggest that the BOP should change its menu and broaden its procurement requirements (e.g., state "6 ounces of meat instead of specifying the meat to be provided). Mr. Hartland and Mr. Maqbul not only oversimplified the BOP's administration of its food service procurement, but they also missed the requirements in implementing a long term specialized food service program designed to meet the dietary needs of inmates. Thus, their suggestions ignore sound BOP policy related to protecting inmates' health

and quality of life by providing high-quality meals that are nutritionally-sound, of high-quality, varied, and palatable to inmates. *See* BOP041045-041066; BOP041071-041078.

8. Before the implementation of the national menu, BOP institutions were allowed to create their own menus, which varied widely from institution to institution. This led to inconsistency in the quality and the nutritional value of the meals served throughout the BOP. There was limited dietary oversight by the BOP Central Office of the meals being provided to inmates. The nutritional quality of the meals was only evaluated at a macro-nutrient level. The nutritional analysis of these meals was conducted by contractor dietitians.

9. The BOP determined as a policy decision to move to the implementation of National Menus, including “mainline” foods and religiously-certified foods in order to ensure that inmates receive proper food sustenance. Both regular “mainline” meals and the meals provided through the Certified Food Menu (the Certified Religious Diet) include thoroughly nutritionally analyzed approved menus, recipes and/or established prepackaged meals, and product specifications. The National Menus are used for food preparation and meal service for all inmates throughout the Bureau. *See* BOP Program Statement P4700.06, Food Service Manual, at 16. Planning the national menus requires the inclusion of “nutrient-dense foods” from among the basic food groups. Considerations of food flavor, texture, temperature, appearance and eating preferences of the inmate population are also incorporated into the menu planning.

10. The National Menus standardized food service operations across the Bureau in order to provide greater consistency in procurement, training and food quality. Moreover, these standardized menus also resulted in significant cost savings and efficient food service operation across the board as only one nutrition analysis is now required Bureauwide, instead of having to

conduct one at each institution. The National Menus also help to ensure that the menus fully incorporate consideration of the DRIs for groups and considerations of the correctional environment and inmate population. Indeed, maintaining the nutritional integrity of the National Menus is so paramount that substantial changes to the national menu must be verified by a Registered Dietitian. The National Menus have also reduced the number of inmate complaints about the food being served in institutions.

11. National Menus are reviewed at least annually to ensure that the Bureau meets the accreditation standards of the American Correctional Association (“ACA”), which “require[s] that at least three meals (including two hot meals) are provided at regular meal times during each 24-hour period[.]” See BOP041045-041066. These ACA accreditation standards are mandatory and it is extremely critical that the Bureau abide by these standards.

12. The National Menus are also reviewed at least annually to assess responsiveness to inmate eating preferences, operational impact, product pricing, and nutritional content. See BOP Program Statement P4700.06 at 17. The National Menus are also utilized to develop dietary-related Clinical Practice Guidelines, medical diets, and dietary education across the Bureau.

13. If institutions are permitted or required, as Plaintiffs suggest, to begin purchasing different meals for individual inmates, this practice would set the BOP back to its prior practice where individual institutions were each creating their own menus. For the reasons set forth above, the BOP has determined that it is better policy to create and maintain standardized menus. Moreover, the National Menus comport with an ACA standard that “[s]pecial diets should be kept as simple as possible and should conform as closely as possible to the foods served other inmates.” ACA standard, 4-4319.

14. The declaration of Mr. Maqbul questions whether the current certified religious meals provided to inmates contain haram ingredients such as pork, pork by-products, or alcohol and other mind-altering substances. Mr. Maqbul states that it is “doubtful” whether the meals contain these ingredients. This is simply not the case, and the BOP has no reason to believe that its religiously-certified meals contain these ingredients. Kosher foods do not contain pork or pork by-products. The Religious Diet Specification Quote Sheet - General Specifications indicates that “Kosher items will not contain alcohol, emulsifiers, mind altering substances, enqymes (sic) and/or chemicals.” While Mr. Maqbul asserts a certifier is needed to further review each individual ingredient contained in the certified foods, this assertion obviates the way in which the government and the BOP conduct food procurement. The BOP issues a set of specifications for foods that are certified by reliable certifiers and vendors submit their products based on those specifications. The BOP does not engage in a detailed analysis of each ingredient in the certified foods to determine whether these meet the specifications. To engage in this kind of practice would hinder the BOP’s ability to purchase foods.

15. The Certified Food Menu is a uniform menu followed on a nationwide basis within the Bureau and must be followed by each institution. This menu was developed and approved by the BOP’s Central Office in Washington, D.C. In accordance with BOP policy, the Certified Food Menu is reviewed annually to ensure responsiveness to inmate eating preferences, operational impact, product pricing, and nutritional content. In developing the BOP religious menu, the BOP’s Central Office Food Services and Religious Services staff work closely to ensure the religiously certified meals provided meet religious dietary standards and also provide sufficient nutrition for inmates. Institutions are not authorized to deviate from the national certified menu unless there are extenuating circumstances. Food Services staff will make

necessary substitutions with nutritionally equivalent Certified Foods.

16. The religiously-certified meals provided to the Bureau of Prisons are certified as containing no pork, alcohol, emulsifiers, mind altering substances, enzymes and/or chemicals. The certified meals are pre-packaged, double wrapped, and delivered shelf-stable. The packages and foods must meet the BOP's certified food menu specification and religious certification requirements. In addition, bread, margarine, potato chips, vegetable juice, salad dressing, ketchup, and mustard used for the Certified Food Menu must be certified not to contain neither meat nor dairy products. Prepared foods (except bread and beverages as detailed immediately below) are procured and served in sealed individual serving packages marked with the appropriate Religious Certification. Any item to be heated is double-wrapped and sealed in a package that may be heated in a conventional or microwave oven. Nothing cut, processed, prepared, or served from a container is offered except: Loaf bread, which may be served directly from a package that contains the certification or removed from that same package and packaged by servers in a disposable single use sealable plastic bag immediately before service. Beverages from dedicated sealed dispensing equipment, individually packaged beverage or instant beverage powder is provided to be reconstituted by the inmate. When ordered by the Warden, due to packaging that may be a security concern, food may be removed from an individual container and placed in a covered or wrapped disposable container to serve. Any time food is removed from the original manufacturer's packaging as authorized above, a separate area used only for Certified Food Menu preparation should be used. Only disposable single use utensils (serving spoons, plates, cups, etc) and single use disposable plastic gloves will come into direct contact with Certified Food when handling is authorized. Inmates participating in the Certified Food Component are not authorized to consume mainline or hot bar food items; however, they may

consume items from the salad bar, knowing that salad bar items may not meet their religious dietary needs.

17. As the Chief Dietician and Acting Food Services Administrator, I am not aware of any instance where our religiously-certified meals have been found to have contained the ingredients forbidden by Kosher or Halal diets. If such an instance came to the BOP's attention, the contract with the vendor would be suspended while the allegation was investigated. Because the BOP cannot itself certify the conditions under which food is prepared, it relies upon certifiers and only permits food for the religiously-certified meals to be procured from certifiers who have been deemed reliable and trustworthy.

18. Mr. Hartland and Mr. Maqbul also suggest that the BOP could simply begin purchasing meals from specific companies which have been deemed acceptable by the Plaintiffs, such as SOPAKCO, Inc., and Taaza Fresh. It is my understanding that these companies have never provided sufficient information to the BOP to allow me to analyze their proposed meals and menus to determine whether they are nutritionally-sound and meet BOP standards. It is my understanding that the BOP has reached out to these companies to determine whether they can offer pre-packaged, shelf stable meals in the size and quantities, and with the nutritional content, required by the BOP. These companies, however, have either not responded to the inquiries or have not established that they can meet the BOP's requirements for nutritional content, quantity in each meal, and packaging.

19. With regards to SOPAKCO, Inc., it is my understanding that there is a security concern with the self-heating element in their meals and aluminum foil used in their wrapping and they have not responded to the BOP's follow up inquiries regarding these issues.

SOPAKCO has also failed to confirm their Halal certification from American Halal Foundation.

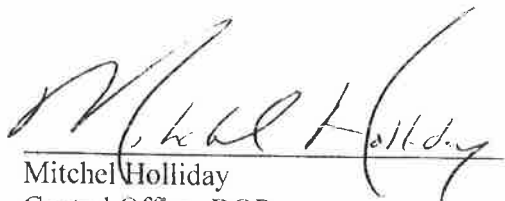
I am not able to nutritionally analyze these meals unless the BOP makes a determination that it is safe to serve these meals to the inmate population. To date, the BOP does not have enough information from the vendor to make such determination. The BOP has no mechanism as its disposal to compel these vendors to provide the information required to complete its nutritional analysis of the meals these vendors offer.

20. As for CI Industries, in early 2017, I analyzed a proposed Halal Religious Diet Menu that was offered to the Plaintiffs in an effort to provide them with Halal-certified meals that complied with the BOP's nutrition requirements as well as the most stringent Halal certification currently known to the BOP. It is my understanding that the meals were produced by CI Industries and distributed by National Food Group (NFG). I analyzed a menu prepared by Food Services staff using the meals provided by the vendor (NFG) and determined on May 23, 2017, that the proposed Halal Religious Diet Menu to be offered to the Plaintiffs met the BOP's nutritional requirements. My analysis was based on information provided by NFG, which included complete nutritional information for the meals to be provided. I noted in my memo that Food Services Administrators must ensure strict adherence in providing food options identified on the menu in accordance with approved food specifications and portions. Unfortunately, it is my understanding that shortly thereafter, the BOP was notified by NFG that the Halal-certified meals produced by CI Industries were recalled due to a water contamination issue in Airway Heights, Washington, where CI Industries is located. It is my understanding that, to date, NFG has not notified the BOP that it has commenced offering CI Industries meals again, or whether it plans to continue offering meals manufactured by CI Industries despite several emails from BOP Food Service staff attempting to ascertain the current status NFG's intention to distribute the CI Industries Halal meals.

21. In order to provide Plaintiffs with the meals they seek in the manner proposed by Mr. Hartland and Mr. Maqbul, the BOP would have to violate its own policies, ACA mandatory standards, and other Government-mandated guidelines and procedures. Moreover, as a registered dietitian, I am not able to certify at this time a proposed Halal-menu from one of the proposed companies as meeting the DRIs. Taaza Fresh has not provided the BOP with a menu describing the meals provided, the nutritional content, the cost of each meal, and a detailed description of the ingredients in the meals, despite several requests from the BOP to this company's representatives requesting this information. SOPAKCO, Inc. has not responded to the BOP inquiries regarding whether they prepare prepackaged meals without the self-heating element and aluminum foil wrapping, which present a security concern to the prisons. SOPAKCO, Inc. has also not confirmed that their meals are certified by American Halal Foundation. The BOP cannot simply begin ordering meals from companies that have been "approved" by the Plaintiffs because they want them. The BOP must obtain information from the companies necessary to assess the viability of their products. The BOP has established procedures, in accordance with government regulations to administer a food service operation that is efficient, consistent, and that has as its main objective the health and well-being of the inmate population, and the secure and orderly running of the BOP institutions.

I declare under penalty of perjury, in accordance with the provisions of 28 U.S.C. §1746, that the above is accurate to the best of my knowledge and belief.

Executed this 1/4 day of August, 2017.

A handwritten signature in black ink, appearing to read "Mitchel Holliday", written over a horizontal line.

Mitchel Holliday
Central Office, BOP
Washington, DC

the highest number of religions, including the halal requirements of most Muslims. The Certified Food Menu diet also meets the Dietary Reference Intakes from the Food and Nutrition Board of the National Academy of the Sciences. A BOP Registered Dietitian conducts an annual nutritional analysis of the menu which is certified in writing.

10. In attempting to meet the basic needs of the religious groups currently recognized in the BOP, the above referenced components or options have proven to be the most cost-effective and widely accepted by the inmate population.

11. Currently, the BOP has a total of approximately 200,000 inmates of differing religious affiliations with different religious dietary needs. Approximately 2010 are enrolled in the certified foods component of the Alternative Diet Program. Of these inmates, 589 are Jewish; and 991 are Muslim religions (845 Muslims, 100 Nation of Islam, and 46 Moorish Science Temple of America). In addition, 430 are affiliated with other religions; and of those 430 inmates, 221 are listed as Messianic. At the USP Terre Haute, for example, the cost of the Mainline menu is approximately between \$2.95 and \$3.25 per inmate per day. The cost for the Certified Menu is approximately between \$7.75 and \$8.25 per inmate per day. As of 10-28-2016, there are 10,685 Muslim inmates, 2,885 Nation of Islam inmates, and 2,246 Moorish Science Temple of America inmates, currently incarcerated in BOP institutions all throughout the country.

12. The Bureau's Total Food Service Obligations for Fiscal years 2004 thru 2015 (staff salaries, operating costs) is as follows:

Exhibit 3

Declaration of

Sabir Shabazz 2 pages

1 of 2

In The United States District Court
For the District of Columbia

Sabir Shabazz

Plaintiff,

v.

Federal Bureau of Prisons

Defendant

Declaration of Sabir Shabazz

I, Sabir Shabazz, declare the following:

1. The same day I gave staff the enclosed complaint and some other documents to make copies that night I suddenly received responses to the narrowed second request and the third request. I gave staff documents for copies May 28, 2019.

2. The BOP received these request April 4th and 11th, 2019 and wrote their notices of receipt April 15th and 17th respectively. However both envelopes were postmarked May 17, 2019 so apparently they waited 30 days to mail them. Official Business U.S. DOJ, FBOP envelopes do not have the names of the addressee on the outside. The piece of mail is simply folded and placed in the envelope so that the addressee's info can be seen through a plastic covered cut in the envelope.

3. May 29, 2019 when staff returned the documents I needed copied only the odd pages of Chief Dietician Mitchell Holliday's Declaration had been copied. I find it hard to believe this was a mistake because it's a 12 page document printed on 6 pages front and back and the parts of the document I

2 of 2

cite in my complaint are on the even pages. In the Declaration I mailed the Defendant I had to hand copy the even pages on the back of the odd pages.

4. I am not delusional and have not accused anyone of something. I simply declare my observations which should not be suprising because prisoners here often witness the same patterns from prison officials in hindering inmates from accessing informatin or accessing the courts whether in the form of messing up copies we request not complying with response times to grievances or just outright holding our grievances in the Central and Regional offices to prevent us from exhausting remedies.

5. Receiving the above FOIA Request responses does not change the accusations and relief sought in my Complaint. The facts I've provided do not lead me to reasonably believe the BOP will all of a sudden change their minds and furnish the requested records.

I declare under the penalty of perjury, in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge and belief

May 30, 2019

Sabir Shabazz, Reg # 41119 086
FCC Florence (ADMEX) Control Unit

